



THE UNITED STATES PATENT AND TRADEMARK OFFICE

#5
VC
75-01

PATENT)
APPLICATION: U.S. Serial No. 09/518,165)

TITLE: METHOD FOR DETECTING)
THE PRESENCE OF TARGET)
BACTERIA OR A TARGET)
COMPONENT)
CARBOHYDRATE ANTIGEN)
THEREOF)

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TECH CENTER 1600/2900

GROUP ART UNIT: 1645

EXAMINER: Ja-Na Hines

**RESPONSE TO REQUIREMENT
FOR RESTRICTION MAILED MAY 25, 2001**

Applicants hereby elect the allegedly "distinct" invention of Group II, with traverse.

The fact is that the product obtained by method of Group I is essential to be able to practice the method of Group III, which in turn provides as its end-result the antigen-specific antibodies essential to the practice of the ICT assay of Group II. Consequently, the restriction requirement is highly impractical because so long as the end result attained in Group II must be achieved by using the product obtained by the practice of the Group I method in the method of Group III to achieve the required antibodies, the processes are not "distinct" in the way the term has traditionally been used in PTO practice.

The restriction requirement reflects an apparent over-concentration upon the individual trees, or component parts, of a proverbial forest, or integral result, and an

apparent refusal to view the forest that they create, to the detriment of achieving a coherent patent as the end result of the prosecution process.

Reconsideration of the requirement is appropriate and is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script that reads "Mary Helen Sears". The signature is written in dark ink and is positioned above the printed contact information.

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